

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SCOTT NALL III, TAMMIE AKIN, )  
and WICKLIFF MOORE, JR., )  
Plaintiffs, ) Case No. 3:12-cv-745  
v. ) Judge Haynes  
HOWARD INDUSTRIES, INC., ) Magistrate Judge Brown  
d/b/a A to Z MUNI-DOT COMPANY, )  
Defendant. ) Jury Demand

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

*On DSN  
Tun malum  
1262 An BE  
LJL JH  
9-27-12*

In accordance with Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs move the Court for an order granting them leave to file the Amended Complaint that is attached to this motion. Plaintiffs seek to add claims for violation of Tenn. Code Ann. § 50-1-102 based on Defendant's inducing, influencing and persuading them to resign from another sales company in or about September 2009 to come to work for Defendant in Tennessee in exchange for certain promises and false or deceptive representations Defendant made to Plaintiffs. Plaintiffs have a right of action under Tenn. Code Ann. § 50-1-102 for all damages sustained as a consequence of Defendant's false or deceptive representations that induced Plaintiffs to leave their former employment and go to work for Defendant. Additionally, Defendant will not be prejudiced by the proposed amendment. No responsive pleading to the original complaint (ECF No. 1) has been filed and no discovery has been served or taken in this case.<sup>1</sup>

---

<sup>1</sup> Defendant has not filed a pleading responsive to the original complaint. Fed. R. Civ. P. 7(a); *Yuhasz v. Brush Wellman, Inc.*, 341 F.3d 559, 569 (6<sup>th</sup> Cir. 2003) (Rule 7 provides exhaustive list of "pleadings"); *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1068 n. 1 (4<sup>th</sup> Cir. 1993) (motion to dismiss is not a responsive pleading); *Bowden v. United States*, 176 F.3d 552 (D.C. Cir. 1999) (same); *Shaver v. Operating Engineers Local 428 Pension Trust Fund*, 332 F.3d 1198 (9<sup>th</sup> Cir. 2003) (same).